

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DANIEL KLEEBERG, LISA STEIN,
and AUDREY HAYS,

Plaintiffs,

v.

LESTER EBER; ALEXBAY, LLC f/k/a
LESTER EBER, LLC; ESTATE OF ELLIOTT W.
GUMAER, JR.; and WENDY EBER

Defendants,

and

EBER BROS. & CO., INC.;
EBER BROS. WINE AND LIQUOR
CORPORATION; EBER BROS. WINE
& LIQUOR METRO, INC.; EBER-
CONNECTICUT, LLC; EBER-RHODE
ISLAND, LLC; EBER BROS.
ACQUISITION CORP.; EBER-METRO,
LLC; SLOCUM & SONS OF MAINE, INC.,

Defendants.

**RULE 56 STATEMENT OF
UNDISPUTED MATERIALS
FACTS**

Civil Action No. 1:16-cv-09517

Pursuant to Local Civil Rule 56.1 of the Local Rules of the U.S. District Court for the Southern District of New York, Defendant the Estate of Elliot W. Gumaer, Jr. (“Estate”) submits in opposition of Plaintiffs’ motion for partial summary judgment this statement of material facts as to which there is no genuine dispute.

1. Elliot W. Gumaer, Jr. was paid for “consulting work,” not legal work. Lester Eber Deposition Transcript 254:03-257:13, Exhibit A.

2. Elliot W. Gumaer, Jr. characterized his fee to be for consulting work.

EB- 00031246, Exhibit B.

3. Elliot W. Gumaer, Jr. was seeking legal advice as a co-trustee. EB-00026651, Exhibit C.

Dated: December 6, 2019
Rochester, New York

CALIHAN LAW PLLC

/s/ Robert B. Calihan

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